

Montana Department of Natural Resources and Conservation  
Water Resources Division  
Water Rights Bureau

**ENVIRONMENTAL ASSESSMENT**  
**For Routine Actions with Limited Environmental Impact**

**Part I. Proposed Action Description**

1. *Applicant/Contact name and address:* JEFF AND NANCY INCE  
LEONARD SKARVAN TRUST  
PO BOX 875  
DARBY, MT 59829
  
2. *Type of action:* APPLICATION TO CHANGE A WATER RIGHT  
76H-30023401
  
3. *Water source name:* NORTH FORK RYE CREEK
  
4. *Location affected by project:* NENWSW, SECTION 25, TOWNSHIP 3 NORTH,  
RANGE 20 WEST, RAVALLI COUNTY
  
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*  
THE PROPOSED APPLICATION TO CHANGE A WATER RIGHT IS A REQUEST TO ADD A NEW POINT OF DIVERSION TO AN EXISTING WATER RIGHT AND CHANGE THE PLACE OF USE. THE PARCEL ON WHICH THE ORIGINAL PLACE OF USE OF THIS WATER RIGHT IS LOCATED HAS BEEN DIVIDED INTO SEVERAL PARCELS. THE EXISTING POINT OF DIVERSION WHICH WAS AUTHORIZED BY DNRC IN 1978 NO LONGER ACCOMMODATES EFFECTIVE IRRIGATION OF ALL THE PARCELS. THE OWNERS OF TWO CONTIGUOUS PARCELS ARE REQUESTING TO ADD A SECOND DIVERSION ON NORTH RYE CREEK TO SEPARATELY IRRIGATE THE HISTORIC PLACE OF USE INCLUDED WITHIN THOSE PARCELS. THIS REQUEST ALSO INCLUDES A CHANGE IN THE PLACE OF USE. APPROXIMATELY 2 ACRES OF THE HISTORICALLY IRRIGATED PLACE OF USE IS TO BE REMOVED AND REPLACED BY TWO PARCELS, TOTALING 2 ACRES IN SIZE. THESE NEW PARCELS ARE LOCATED EAST OF NORTH FORK RYE CREEK AND CAN BE IRRIGATED VIA THE PROPOSED PUMP AND SPRINKLER SYSTEM. IF AUTHORIZED THE WATER RIGHT WOULD USE NO MORE WATER THAN HAS BEEN HISTORICALLY USED.

THE DNRC SHALL ISSUE AN AUTHORIZATION TO CHANGE A WATER RIGHT IF THE APPLICANT PROVES THE CRITERIA IN §85-2-402, MCA ARE MET.

6. *Agencies consulted during preparation of the Environmental Assessment:  
(include agencies with overlapping jurisdiction)*

STATE HISTORICAL PRESERVATION OFFICE  
MONTANA NATURAL HERITAGE PROGRAM  
MONTANA ENVIRONET WEBSITE FOR WATER QUALITY  
MONTANA FISHERIES INFORMATION SYSTEM WEBSITE  
MONTANA NATURAL RESOURCES INFORMATION SYSTEM WEBSITE

## **Part II. Environmental Review**

### **1. Environmental Impact Checklist:**

<b>PHYSICAL ENVIRONMENT</b>
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#### **WATER QUANTITY, QUALITY AND DISTRIBUTION**

**Water quantity** - *Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

*Determination:* NO SIGNIFICANT IMPACTS.

ACCORDING TO THE INFORMATION ON THE MTFISH WEBSITE, NEITHER NORTH FORK RYE CREEK NOR RYE CREEK ARE CONSIDERED DEWATERED BY DFWP. THE PROPOSED PROJECT IS TO ADD A PUMPSITE ON NORTH FORK RYE CREEK AT A POINT LESS THAN ¼ MILE UPSTREAM OF THE CONFLUENCE OF NORTH FORK RYE CREEK WITH RYE CREEK.

**Water quality** - *Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

*Determination:* NO SIGNIFICANT IMPACTS.

BOTH RYE CREEK AND NORTH FORK RYE CREEK ARE IDENTIFIED ON THE DEQ 2006 WATER QUALITY INFORMATION WEBSITE AS WATER QUALITY IMPAIRED. THE SOURCES IDENTIFIED ARE ANIMAL FEEDING IN RIPARIAN ZONES AND FOREST ROAD CONSTRUCTION AND SILVICULTURE ACTIVITIES. THE PROPOSED PROJECT WOULD NOT BE EXPECTED TO AFFECT WATER QUALITY.

**Groundwater** - *Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

*Determination:* NO SIGNIFICANT IMPACTS.

THIS PROPOSED DIVERSION FROM NORTH FORK RYE CREEK IS VIA AN ELECTRIC PUMP. THIS DIVERSION METHODOLOGY WOULD NOT BE EXPECTED TO IMPACT ANY GROUNDWATER SOURCE.

**DIVERSION WORKS** - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

*Determination:* NO SIGNIFICANT IMPACTS.

THE DIVERSION WORKS IS IN PLACE. THE DIVERSION WORKS CONSISTS OF AN ELECTRIC PUMP PLACED INSIDE A PUMPHOUSE, WHICH IS LOCATED ON THE BANK OF NORTH FORK RYE CREEK.

**UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES**

**Endangered and threatened species** - *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

*Determination:* NO SIGNIFICANT IMPACTS.

INFORMATION PROVIDED BY THE MONTANA NATURAL HERITAGE PROGRAM IDENTIFIES SEVERAL PLANT AND ANIMAL SPECIES OF CONCERN IN THE VICINITY OF THE PROPOSED PROJECT.

THE USFWS AND USFS THREATENED AND USBLM SPECIAL STATUS BULL TROUT IS IDENTIFIED IN THE ENTIRE LENGTH OF RYE CREEK.

THE USFS AND USBLM SENSITIVE WESTSLOPE CUTTHROAT TROUT IS IDENTIFIED IN BOTH RYE CREEK AND NORTH FORK RYE CREEK.

THE USFWS AND USFS THREATENED AND USBLM SPECIAL STATUS CANADA LYNX HABITAT AREA OF CONCERN INCLUDES THE PROPOSED PROJECT AREA.

THE USFS AND USBLM SENSITIVE LEMHI BEARDTONGUE IS IDENTIFIED NEAR THE PROPOSED PROJECT SITE.

THE PUMPHOUSE IS CONSTRUCTED ABOVE THE HIGH WATER MARK OF NORTH FORK RYE CREEK. ACCORDING TO THE BITTERROOT CONSERVATION DISTRICT OFFICE, SUCH CONSTRUCTION WOULD NOT REQUIRE A 310 PERMIT APPLICATION. THE PUMPHOUSE AND PROPOSED IRRIGATION SYSTEM WOULD NOT CREATE ANY BARRIERS TO FISH MIGRATION OR MOVEMENT OF WILDLIFE.

**Wetlands** - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

*Determination:* NO SIGNIFICANT IMPACTS.

THERE ARE NO APPARENT OR EXISTING WETLANDS IN THE VICINITY OF THE PROPOSED PROJECT.

**Ponds** - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

*Determination:* NO SIGNIFICANT IMPACTS.

THERE ARE NO PONDS IN THE VICINITY OF THE PROPOSED PROJECT.

**GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE** - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

*Determination:* NO SIGNIFICANT IMPACTS.

SOILS AT THE PROPOSED PROJECT CONSIST OF A COMBINATION OF BREECE GRAVELLY LOAM, SLOPING, GALLATIN SHALLOW MUCK COMPLEX AND ADEL LOAM, SLOPING. THIS SOIL COMBINATION ACCOMMODATES PASTURE GRASS AND HAY PRODUCTION. NO POTENTIAL FOR SALINE SEEP IN THE VICINITY.

**VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS** - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

*Determination:* NO SIGNIFICANT IMPACTS.

THE PROPOSED PROJECT WOULD BE EXPECTED TO REDUCE THE SPREAD OF NOXIOUS WEEDS DUE TO A BETTER MANAGEMENT OF IRRIGATION OF PASTURE.

**AIR QUALITY** - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

*Determination:* NO SIGNIFICANT IMPACTS.

CHANGING THE AFFECTED WATER RIGHT BY ADDING A SECOND POINT OF DIVERSION AND REMOVING ACRES AND REPLACING A LIKE NUMBER OF ACRES TO THE PLACE OF USE WOULD NOT CAUSE ANY DETERIORATION TO AIR QUALITY.

**HISTORICAL AND ARCHEOLOGICAL SITES** - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.*

*Determination:* NO SIGNIFICANT IMPACTS.

BASED ON THE DESCRIPTION OF THE PROPOSED PROJECT AS SUBSTANTIALLY COMPLETED, SHPO HAS DECLINED TO CONDUCT A CULTURAL RESOURCE FILE SEARCH.

**DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY** - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

*Determination:* NO OTHER IMPACTS IDENTIFIED.

<b>HUMAN ENVIRONMENT</b>
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**LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS** - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

*Determination:* NO SIGNIFICANT IMPACTS.

THERE ARE NO LOCALLY ADOPTED ENVIRONMENTAL PLANS OR GOALS THAT WOULD PROHIBIT THE PROPOSED PROJECT.

**ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES** - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

*Determination:* NO SIGNIFICANT IMPACTS.

THE PROPOSAL TO ADD A SECOND DIVERSION ON NORTH RYE CREEK AND ADJUST THE PLACE OF USE WOULD NOT HAVE ANY IMPACT ON ACCESS TO OR THE QUALITY OF RECREATIONAL OR WILDERNESS ACTIVITIES.

**HUMAN HEALTH** - *Assess whether the proposed project impacts on human health.*

*Determination:* NO IMPACTS.

**PRIVATE PROPERTY** - *Assess whether there are any government regulatory impacts on private property rights.*

Yes\_\_\_ No X\_\_\_ *If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.*

*Determination:* NO IMPACTS.

**OTHER HUMAN ENVIRONMENTAL ISSUES** - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

*Impacts on:*

- |   |      |
|---|------|
| (a) <u>Cultural uniqueness and diversity?</u>                   | NONE |
| (b) <u>Local and state tax base and tax revenues?</u>           | NONE |
| (c) <u>Existing land uses?</u>                                  | NONE |
| (d) <u>Quantity and distribution of employment?</u>             | NONE |
| (e) <u>Distribution and density of population and housing?</u>  | NONE |
| (f) <u>Demands for government services?</u>                     | NONE |
| (g) <u>Industrial and commercial activity?</u>                  | NONE |
| (h) <u>Utilities?</u>   | NONE |
| (i) <u>Transportation?</u>                                      | NONE |
| (j) <u>Safety?</u>  | NONE |
| (k) <u>Other appropriate social and economic circumstances?</u> | NONE |

**2. *Secondary and cumulative impacts on the physical environment and human population:***

Secondary Impacts                      NONE IDENTIFIED

Cumulative Impacts                      NONE IDENTIFIED

**3. *Describe any mitigation/stipulation measures:***

NO MITIGATION/STIPULATION MEASURES ARE IDENTIFIED FOR THE PROPOSED PROJECT

**4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:***

OTHER THAN THE NO ACTION ALTERNATIVE, THERE ARE NO OTHER ALTERNATIVES IDENTIFIED FOR THIS PROPOSED PROJECT.

*PART III. Conclusion*

**1. Preferred Alternative**

**2 Comments and Responses**

**3. Finding:**

*Based on the significance criteria evaluated in this EA, is an EIS required?*

*Yes\_\_\_ No\_X\_\_*

*If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:* AN EA IS THE APPROPRIATE LEVEL OF ANALYSIS FOR THIS PROPOSED ACTION BECAUSE NO SIGNIFICANT IMPACTS HAVE BEEN IDENTIFIED AS A RESULT OF THE PROPOSED ACTION.

*Name of person(s) responsible for preparation of EA:*

*Name:* PATRICK RYAN  
*Title:* WATER RESOURCE SPECIALIST  
*Date:* NOVEMBER 1, 2006